*****

In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 3.11.2006.

Goverdhan Parshad ....Appellant.

vs

Sawaran Lata and others .....Respondents.

Coram Hon'ble Ms. Justice Kiran Anand Lall.

Present: Mr.Bhag Singh,Advocate,for the appellant.

Kiran Anand Lall, J.

This is a regular second appeal filed by the plaintiff who has already lost in two courts.

There is no dispute between the parties that the property of the appellant forms a part of khasra no.31, and that of the respondents, a part of khasra no.33. The appellant had purchased 2 Bighas of land out of the total area of 3 Bighas 8 Biswas, comprised in khasra no.31, vide sale-deed, Ex.P4, and on this, he had constructed a house, leaving some portion as vacant for being used as court-yard. His case, however, was that the respondents be restrained from interfering with his possession over his property and also from encroaching upon any portion thereof. The respondents stoutly disputed that they have ever tried to interfere with the possession of the appellant over his property forming a part of khasra no.31.

A perusal of the trial court judgment shows that the appellant had not clarified as to what was the length or the width of this plot, and there was also no evidence on the basis of which it could be ascertained as to whether any portion of the plot purchased by him out of the area comprised in khasra no.31, had been encroached upon by the respondents.

*****

In the appeal, Field Kanungo was appointed as a local commissioner for demarcation of the property of the appellant comprised in khasra no.31 and also, for that of the respondents. Both the parties felt satisfied with the report, Ex.CI, and the `naksha-nazri' (site plan), Ex.CI/1, which was a part of the report, as it is mentioned in the judgment of the appellate court, that neither side filed any objection thereto. The first appellate court, therefore, dismissed the appeal, after observing, inter-alia, that the properties of the appellant-plaintiff and respondents-defendants, as depicted in Ex.C1/1, are distinct and respondents-defendants had not staked any claim with regard to the property of the appellant.

Since learned counsel for the appellant could not point out any substantial question of law involved in this appeal, the same deserves to be dismissed in limine, and it is ordered accordingly.

3.11.2006. (Kiran Anand Lall)
vs. Judge.